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REMARKS

This amendment is intended to be fully responsive to the Office Action having a mailing date of February 23, 2006, wherein claims 1, 6-13 and 19-26 are rejected. Claims 27-31 were previously withdrawn in response to an election/restriction requirement. To better place the application in condition for allowance, claims 27-31 are presently canceled, without prejudice, as being directed to a non-elected invention. Claims 2, 3, 14, and 15 were previously canceled.

Applicants have carefully reviewed the Office Action and thank Examiner Chambers for the detailed review of the pending claims. In response to the Office Action, Applicants have amended claims 1 and 13. By way of these amendments, no new matter has been added. Accordingly, claims 1, 4-13, 16-26, and 32-33 remain pending in this application. Applicants respectfully request reconsideration of the present application in view of the above amendment and the following remarks. At least for the reasons set forth below, Applicant respectfully traverses the foregoing rejections. Further, Applicant believes that there are also reasons other than those set forth below why the pending claims are patentable, and reserves the right to set forth those reasons, and to argue for the patentability of claims not explicitly addressed herein, in future papers.

Applicants would like to thank the Examiner for the allowance of claims 4, 5, 16-18, 32 and 33.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 6-7, 8-13, 19-21, 22, 23- 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 3,665,910 to Boni ("Boni") in view of U. S. Patent 5,133,330 to Sharp ("Sharp"), further in view of U.S. Patent 3,838,676 to Kahelin ("Kahelin"), and in further view of the Examiner's Official Notice. Applicants respectfully traverse these rejections.

Independent Claim 1

Claim 1, as amended, recites "a release mechanism configured to... downwardly release said hockey puck from the apparatus in a generally vertical direction..." (Emphasis supplied). Neither Boni nor Sharp disclose a system to downwardly release a puck from the

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claimed apparatus in a generally vertical direction. Indeed, Boni and Sharp specifically teach away from this limitation. For example, Boni is directed to a machine for automatically shooting or "propelling [a] hockey puck towards a goalie or player." (see, Col. 1, lines 42-44). Thus, the hockey puck is propelled in a generally horizontal direction. There is simply no teaching or suggestion in Boni of downwardly releasing a puck from the apparatus in a generally vertical direction, as positively claimed by Applicants.

Nor is there any teaching or suggestion of this limitation in Sharp. Sharp is directed to a pitching machine that "simulates a thrown ball" at a player. (See, Col. 1, lines 12-14, 27-30.) Again, as can be appreciated, like Boni, the balls of Sharp are directed in a generally horizontal direction, not a generally vertical direction as positively claimed by Applicants.

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j). One of skill in the art certainly would not look to the disclosures of either Boni or Sharp to develop an apparatus such as the present invention which "simulate[s] a hockey face-off," where a puck is dropped or propelled in a generally downward, generally vertical direction. See Specification, Paragraph 8; and Specification, Background generally.

As such, Applicants respectfully submit that claim 1 is in condition for allowance. Furthermore, dependent claims 6-12, being dependent upon independent claim 1, are patentable by being dependent on an allowable base claim. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Independent Claim 13

The arguments above regarding claim 1 apply with equal force to claim 13. Claim 13, as amended, recites "a gripper mechanism configured to... downwardly release said hockey puck from the apparatus in a generally vertical direction..." (Emphasis supplied). Again, neither Boni nor Sharp disclose a system to downwardly release a puck entirely from the claimed apparatus in a generally vertical direction, as positively claimed. The Examiner's apparent requirement of surprising or unanticipated results misstates the burden on the Examiner to demonstrate a claim as non-obvious- every element of the claim must be taught

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or suggested by the prior art. The combination of Boni and Sharp simply does not teach every limitation of independent claim 13, as required in *In re Royka*.

Additionally, Boni and Sharp both teach away from the present invention, as more fully explained above regarding Claim 1. One of skill in the art would not look to the disclosures of either Boni or Sharp to develop the present invention because both Boni and Sharp are used for projecting balls or pucks in a generally horizontal direction.

Applicants thus respectfully submit that claim 13 is in condition for allowance. Furthermore, dependent claims 19-26, being dependent upon independent claim 13, are patentable by being dependent on an allowable base claim. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Allowable Subject Matter

Applicants thank the Examiner for the indication that claims 4, 5, 16-18, 32 and 33 are allowable as written.

CONCLUSION

In view of the above amendment and remarks, applicants believe the pending application is in condition for allowance. If, however, there are any outstanding issues that can be resolved by telephone conference, the Examiner is earnestly encouraged to telephone the undersigned representative.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 66274-0001 from which the undersigned is authorized to draw.

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Respectfully submitted,

By 

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